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NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT ★

[Given pursuant to section 4 of the Insecticide Act]

1801-1811

U. S. Department of Agriculture

[Approved by the Assistant Secretary of Agriculture, Washington, D. C., February 23, 1942]

1801. Adulteration and misbranding of "Miller Double Duty Powder." United States v. Miller Chemical & Fertilizer Corporation. Plea of guilty. Fine \$25 and costs. (I. & F. No. 2242. I. D. No. 1390.)

An analysis of this product showed that it contained less copper, less tri-calcium arsenate, less arsenic oxide (As_2O_5), less arsenic, and more inert ingredients than were stated on the label. The label also bore unwarranted claims that the product would control all bugs and all blights of vegetable crops with hardy foliage.

On December 9, 1941, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Miller Chemical & Fertilizer Corporation of Baltimore, Md., alleging delivery for shipment and shipment in interstate commerce, on or about March 11, 1941, from the City of Baltimore, State of Maryland, into the Commonwealth of Pennsylvania, of a quantity of "Miller Double Duty Powder," which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "metallic copper (of copper salts) 12.75% * * *; or tri-calcium arsenate 24.00%; inert ingredients, not more than 41.00%; * * * total arsenic oxide (As_2O_5) not less than 14.00%; total arsenic (as metallic) not less than 9.1%."

The product was alleged to be misbranded, in that the statements, namely, "metallic copper (of copper salts) 12.75%; commercial calcium arsenate 35.00% or tri-calcium arsenate 24.00%; inert ingredients, not more than 41.00% * * * total arsenic oxide (As_2O_5) not less than 14.00%; total arsenic (as metallic) not less than 9.1%; Miller Double Duty Powder * * * a spray for bugs * * * a dust for blight," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained metallic copper (of copper salts) in a proportion less than 12.75 percent; commercial calcium arsenate in a proportion less than 35.00 percent, or tri-calcium arsenate in a proportion less than 24.00 percent; inert ingredients in a proportion greater than 41.00 percent; total arsenic oxide (As_2O_5) in a proportion less than 14.00 percent, and total arsenic (as metallic) in a proportion less than 9.1 percent, and it would not control all bugs and all blights of vegetable crops with hardy foliage.

On January 8, 1942, a plea of guilty was entered and the court imposed a fine of \$25 and costs.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1802. Adulteration and misbranding of Phenosol. U. S. v. One 65-gal. Drum of Phenosol. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2234. I. D. No. 3075.)

Analysis showed that this product consisted of a larger percentage of water than was stated on the label.

On September 15, 1941, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 65-gal. drum of Phenosol, at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January 10, 1941, by the Selig Co., from Atlanta, Ga., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "inert material water not over 13.5%."

The product was alleged to be misbranded, in that the statement, "inert material water not over 13.5%," borne on the label, was false and misleading and tended to receive and mislead the purchaser, since the product contained inert material, namely, water, in a proportion much greater than 13.5 per centum.

On November 15, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

**1803. Adulteration and misbranding of Formaldehyde 40 Per Cent Solution.
U. S. v. Scientific Supply Company, a corporation. Plea of nolo contendere. Fine, \$60. (I. & F. No. 2218. I. D. No. 1514.)**

This product contained formaldehyde in a proportion less than 40 per centum, the proportion stated on the label. The product contained a substance which would be injurious to the vegetation on which it was intended for use. The bottles contained less than 1 gallon, the quantity stated on the label, and the label failed to bear the required ingredient statement.

On August 1, 1941, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scientific Supply Company, a Colorado Corporation, Denver, Colo., alleging shipment in interstate commerce on or about September 9, 1940, from Denver, Colo., into the State of New Mexico, of a quantity of "Formaldehyde 40 Per Cent Solution," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Formaldehyde 40 Per Cent Solution." The product was alleged to be adulterated further, in that it was intended for use on vegetation, namely, potatoes and grain, and if used thereon as directed the product would be injurious to such vegetation.

The product was alleged to be misbranded in that statements, namely, "Formaldehyde 40 Per Cent Solution," and "One Gallon," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained formaldehyde in a proportion less than 40 per centum, and each of the bottles contained less than 1 gallon of the product. The product was alleged to be misbranded further, in that it consisted, partially, of inert substances, namely substances other than formaldehyde, and the name and percentage amount of each of the inert substances were not stated plainly and correctly, or at all, on the label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the label.

On October 11, 1941, a plea of nolo contendere was entered and on November 5, 1941, a fine of \$60 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

**1804. Adulteration and misbranding of "Pestgo." U. S. v. Laurance J. Horan
(J. J. Horan and Son). Plea of nolo contendere. Sentence deferred for 1
year. (I. & F. No. 2191. Sample Nos. 53,112-D, 15,243-E.)**

The product in each of the two shipments contained less soap, less calcium arsenate, and more inert ingredients than were stated on the labels. The labels also bore unwarranted claims that the product, when used as directed, would mitigate pest invasion, would repel climbing cutworms, termites, and ants, would kill scale insects, would destroy larvae, pupae, and eggs on the plants specified on the label, would give permanent protection, would be of value in guarding chicken houses from infestations of lice and termites, and would protect trees.

On February 3, 1941, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Laurance J. Horan, trading at St. Louis, Mo., under the name of J. J. Horan and Son, alleging shipment in interstate commerce on or

about January 23, 1939, and March 27, 1940, from St. Louis, Mo., into the States of Iowa and Illinois, of quantities of "Pestgo," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product shipped into the State of Iowa was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Soap 11%, Calcium Arsenate 1%, Inert Ingredients 88% * * * Total Arsenic calculated as metallic arsenic .26%, Water Soluble Arsenic calculated as metallic arsenic .0005%."

The product involved in the Iowa shipment was alleged to be misbranded, in that the statements, "Soap 11% Calcium Arsenate 1% Total Arsenic, calculated as Metallic Arsenic .26% Water Soluble Arsenic calculated as metallic arsenic .0005% INERT-INGREDIENTS 88%" * * * "Pestgo For Trees and Plants A Modern Treatment For Plant Life Toxic to Insects * * * Pestgo-Protective-Insecticidal 'Pestgo' is recommended to mitigate the invasion of pests—in repelling climbing cutworms, termites, ants * * * on all bark covered plants, such as Trees, Vines and Shrubs. Of value against Scale Insects * * * Of destructive value to larvae, pupa and eggs on which applied. Made with natural adhesives thus assuring protection of some permanency. Of value, by contact, in guarding against infestation of chicken houses, by lice or termites. * * * Directions * * * Apply thoroughly and undiluted with brush or spray, covering all surface of the trunk up to a height of about seven feet from the ground, on average size tree. It is advisable to loosen ground around tree or shrub treated. It takes years to grow trees. Protect them with 'Pestgo'. Use at least twice a season," borne on the label, were false and misleading. By reason of the statements the article was labeled and branded so as to deceive and mislead the purchaser, since the product contained soap in a proportion less than 11 percent, calcium arsenate in a proportion less than 1 percent, total arsenic calculated as metallic arsenic in a proportion less than 0.26 percent, water soluble arsenic calculated as metallic arsenic in a proportion greater than .0005 percent, inert ingredients in a proportion greater than 88 percent, and, when used as directed, it would not mitigate pest invasion, would not repel climbing cutworms, termites, and ants, would not kill scale insects, would not destroy larvae, pupae, and eggs on plants specified on the label, would not give permanent protection, would not be of value in guarding chicken houses from infestations of lice and termites, and would not protect trees.

The product shipped into the State of Illinois was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, Resinal Compound 40% Calcium Arsenate 1% INERT INGREDIENTS 59% Total Arsenic calculated as Metallic Arsenic .26% Water Soluble Arsenic calculated as metallic arsenic .0005%."

The product involved in the shipment to Illinois was alleged to be misbranded, in that the statements, "Resinal Compound 40% Calcium Arsenate 1% INERT INGREDIENTS 59% Total Arsenic calculated as Metallic Arsenic .26% Water Soluble Arsenic calculated as metallic arsenic .0005%" * * * "Pestgo for Trees and Plants A Modern Treatment For Plant Life Toxic to Insects * * * Pestgo-Protective-Insecticidal 'Pestgo' is recommended to mitigate the invasion of pests—in repelling climbing cutworms, termites, ants * * * on all bark covered plants, such as Trees, Vines and Shrubs. Of value against Scale Insects * * * Of destructive value to larvae, pupa and eggs on which applied. Made with natural adhesives thus assuring protection of some permanency. Of value, by contact, in guarding against infestation of chicken houses, by lice or termites. * * * Directions * * * Apply thoroughly and undiluted with brush or spray, covering all surface of the trunk up to a height of about seven feet from the ground, on average size tree. It is advisable to loosen ground around tree or shrub treated. It takes years to grow trees. Protect them with 'Pestgo'. Use at least twice a season," borne on the label, were false and misleading, and by reason of the statements the product was labeled and branded so as to deceive and mislead the purchaser. The product contained resinal compound (rosin soap) in a proportion less than 40 percent, calcium arsenate in a proportion less than 1 percent, total arsenic, calculated as metallic arsenic, in a proportion less than 0.26 percent, water soluble arsenic, calculated as metallic arsenic, in a proportion greater than 0.0005 percent, and inert ingredients in a proportion greater than 59 percent, and, when used as directed, the product would not mitigate pest invasions, would not kill scale insects, would not destroy larvae, pupae, and eggs on the plants specified on the label, would not give permanent protection, would

not be of value in guarding chicken houses from infestations of lice and termites, and would not protect trees.

On December 1, 1941, a plea of nolo contendere was entered and the court ordered that sentence be deferred for 1 year.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1805. Adulteration and misbranding of "Shanday Pine Oil Disinfectant" and misbranding of "Shanday Coal Tar Disinfectant." U. S. v. Shane & Hays, Inc. Plea of guilty. Fine, \$50. (I. & F. No. 2221. I. D. Nos. 1975, 1977.)

An analysis of the pine oil disinfectant showed that mineral oil had been substituted, in part, for pine oil. The label failed to bear the required ingredient statement. The label also bore unwarranted claims that the product, when used as directed, would act as a disinfectant and that it would prevent the breeding of all flies and all vermin.

The label for the coal tar disinfectant failed to bear the required ingredient statement and the label bore unwarranted claims that, when used as directed, the product would disinfect and would control flies and all vermin.

On October 22, 1941, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Shane & Hays, Inc., Brooklyn, N. Y., alleging shipment in interstate commerce on or about November 27, 1940, from Brooklyn, N. Y., into the State of New Jersey, of a quantity of "Shanday Pine Oil Disinfectant," which was an adulterated and misbranded insecticide and fungicide, and a quantity of "Shanday Coal Tar Disinfectant," which was a misbranded insecticide and fungicide, within the meaning of the Insecticide Act of 1910.

The pine oil disinfectant was alleged to be adulterated, since it did not consist entirely of pine oil disinfectant but another substance, namely, mineral oil, had been substituted, in part, for the pine oil disinfectant.

The pine oil disinfectant was alleged to be misbranded in that the statements, "Pine Oil Disinfectant * * * Directions for cleaning floors, etc., use half cup to a pail of water. For Spraying use half cup to a gallon of water. Spray freely wherever flies or vermin may breed," were false and misleading and tended to deceive and mislead the purchaser, since the product would not act as a disinfectant, and would not prevent the breeding of all flies and all vermin, when used as directed. This product was alleged to be misbranded further, in that it consisted, partially, of an inert substance, namely, water and the name and the percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance so present therein, stated plainly and correctly, or at all, on the label.

The coal tar disinfectant was alleged to be misbranded, in that the statements, "Shanday Coal Tar Disinfectant * * * Directions for cleaning floors, etc., use half cup to a pail of water. For spraying use half cup to a gallon of water. Spray freely wherever flies or vermin may breed," were false and misleading and tended to deceive and mislead the purchaser, since the product would not act as a disinfectant, when used as directed. This product was alleged to be misbranded further, in that it consisted, partially, of an inert substance, namely, water, and the name and the percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance so present therein, stated plainly and correctly, or at all, on the label.

On October 27, 1941, a plea of guilty was entered and on October 29, 1941, a fine of \$50 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1806. Misbranding of Bycolife. U. S. v. Five 5-pound Packages and Fifty 2-pound Packages of Bycolife. Default decree of condemnation, forfeiture and destruction. (I. & F. No. 2230. I. D. No. 3109.)

The containers of this product failed to bear a statement that it consisted completely of inert ingredients. The label bore unwarranted claims that the product, when used as directed, would prevent or control certain plant insects and that the product would render each leaf and limb of plants insecticidal.

On September 13, 1941, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against five 5-pound packages and fifty 2-pound packages of "Bycolife," at Pocomoke City, Md., alleging that the article had been shipped in interstate commerce on or about May 21, 1941, from Charlotte, N. C., by the Bynum Bycolife Co., and charging that the product was a misbranded insecticide, within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded, in that it consisted wholly of inert substances, and the name and percentage amount of the inert substances were not stated plainly and correctly, or at all, on the label.

The product was alleged to be misbranded further, in that the statements, "Bycolife The Insecticidied Plant Food * * * A Complete High Analysis Plant Food with Non-Poisonous Insecticide for the Prevention and Control of Leaf-Eating and Sap-Sucking Insects * * * Bycolife A Completely Insecticidied Plant Food Follow these directions: Roses—Pull the dirt away from the stalk for two or three inches deep enough to see the roots, apply a tablespoonful all around the plant, cover with dirt and water well. Pot Plants—Run a ring with your finger around near the pot, dust Bycolife sparingly, cover with dirt and water. Shrubs—Pull dirt away from plant six to twelve inches down to the feed roots, apply Bycolife according to the size of the Shrub. Replace dirt and water thoroughly. Trees—Pull dirt away from the body from 12 to 18 inches. Apply from 3 to 5 lbs. equally all around, cover and water. Caution—Always apply enough Bycolife to fertilize the plant and the Insecticide will do the rest. Follow with another application as often as necessary. Bycolife A Complete Non-Burning Fertilizer Tested for three years under all kinds of Flowers, Trees and Shrubs. A NEW IDEA in preventing Insects. The plant takes up the fertilizer through the Feed Roots and in so doing insecticides each leaf and limb * * *," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not prevent and control leaf-eating and sap-sucking insects, would not prevent insects, and would not render each leaf and limb insecticidal.

On October 22, 1941, a decree of condemnation and forfeiture was entered and the product was ordered to be destroyed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1807. Misbranding of "Grand Prize Brand Insecticide Spray." U. S. v. Morris B. Singerman (Banner Products Company). Plea of nolo contendere. No fine assessed. (I. & F. No. 2211. I. D. No. 123.)

The packages contained less of the product than was stated on the label. The label also bore unwarranted claims that the product, when used as directed, would control certain insects named on the label.

On May 31, 1941, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Morris B. Singerman, trading at St. Louis, Mo., under the name of the Banner Products Company, alleging shipment in interstate commerce, on or about June 21, 1940, from St. Louis, Mo., into the State of Arkansas, of a quantity of "Grand Prize Brand Insecticide Spray," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded, in that the statement, "Contents 16 Fl. Ounces," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the cans contained less than 16 fluid ounces. The product was alleged to be misbranded further, in that the statements, "Moths, Carpet Beetles and Weevils Brush articles thoroughly and remove grease spots. Clean and spray closets including all cracks. Spray lightly over entire surface of clothes, etc. * * * Fleas, Ants, Roaches, Waterbugs, Silver Fish, etc. Spray liberally in all cracks and crevices, behind sinks, etc. As insects appear, spray them direct * * *," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not control moths, carpet beetles, weevils, fleas, ants, roaches, waterbugs, silver fish, etc.

On October 27, 1941, a plea of nolo contendere was entered and the court discharged the defendant without a fine.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1808. Misbranding of Brown's Arsenate of Lead Cartridge. U. S. v. The E. C. Brown Company, a New York Corporation. Plea of guilty. Fine, \$25 on each of two accounts. Payment suspended on the second count. (I. & F. No. 2216, I. D. No. 289.)

This product was found to contain more water-soluble arsenic and more arsenic in water-soluble form, expressed as per centum of metallic arsenic, than was stated on the label. The label also bore unwarranted claims that the product, when used as directed, would make more gallons of spray, would act as an effective insecticide, and would control the potato beetle and the tent caterpillar.

On July 28, 1941, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The E. C. Brown Company, a New York corporation, Rochester, N. Y., alleging shipment in interstate commerce, on or about July 25, 1940, from Rochester, N. Y., into the State of Ohio, of a quantity of "Brown's Arsenate of Lead Cartridge," which was a misbranded insecticide, within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded, in that the statements, "Not more than .76% water soluble Arsenic Oxide, equivalent to not more than .53% * * *," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained water-soluble arsenic in a proportion much greater than 0.76 per centum, equivalent to more than 0.53 per centum, when expressed as metallic arsenic.

The product was alleged to be misbranded further, in that the statements, "Brown's Arsenate of Lead Cartridge For Use in Brown's Magic Garden Hose Sprayer Recommended as a control of certain chewing or foliage eating insects such as potato beetle, tent caterpillar. * * * Directions Insert cartridge in barrel of sprayer. Turn on water and spray foliage thoroughly. Repeated applications, as often necessary, are recommended. As cartridge diminishes in size, part of cartridge may be added to maintain concentration. This cartridge is designed to make 5 gallons of spray," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not make 5 gallons of spray, would not act as an effective insecticide, and would not control the potato beetle or the tent caterpillar.

On September 8, 1941, a plea of guilty was entered and a fine of \$25 was imposed on each of the two counts. Payment of the fine on the second count was suspended.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1809. Adulteration and misbranding of Gemco Germ Spray. U. S. v. Samuel Rouff and Nathan Rouff (Gem Products & Mfg. Co.). Plea of guilty. Fine, \$400. (I. & F. No. 2217. I. D. 1252.)

This product was found to contain less formaldehyde and more inert ingredients than were stated on the label. The label also bore unwarranted claims that the product would control and prevent the spreading of infectious disease and that it was an effective germicide.

On July 8, 1941, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Rouff and Nathan Rouff, co-partners, trading as the Gem Products & Mfg. Co., Detroit, Mich., alleging shipment in interstate commerce, on or about August 21, 1940, from Detroit, Mich., into the State of Illinois, of a quantity of "Gemco Germ Spray," which was an adulterated and misbranded fungicide, within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "U. S. P. Formaldehyde Active Ingredients 6%, Inert Ingredients 94%."

The product was alleged to be misbranded, in that the statements, "U. S. P. Formaldehyde Active Ingredients 6%, Inert Ingredients 94%," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, in that the product contained Formaldehyde, U. S. P., in a proportion less than 6 per centum, and it contained inert ingredients in a proportion greater than 94 per centum. The product was alleged to be misbranded further, in that the statements, "Gemco Germ Spray Compounded From The Finest Essential Oils, Plus A Percentage of Formaldehyde, Is Recommended To Be A

Valuable Product To Control And Prevent The Spreading Of Many Infectious Diseases. In spraying Gemco Germ Spray, use full strength * * * Gemco Germ Spray will be found very effective for uses in hospitals, schools, county infirmaries, clubs and public buildings," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, in that the product would not control and prevent the spreading of infectious diseases nor would it be effective as a germicide for use in hospitals, schools, county infirmaries, clubs, and public buildings.

On September 22, 1941, a plea of guilty was entered and a fine of \$400 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1810. Adulteration and misbranding of Clorox. U. S. v. 8½ Cases, Each Containing 24 Bottles of Clorox. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2222. I. D. No. 1891.)

This product was found to contain less sodium hypochlorite and more inert ingredients than was stated on the label. The label also bore unwarranted claims that the product would make a disinfecting solution containing more parts per million of available chlorine than the product was capable of producing, and that it would make a solution equal in disinfecting properties to Dakin's solution, when diluted as directed.

On July 3, 1941, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8½ cases, each containing 24 bottles of Clorox, at Beaumont, Tex., alleging that the article had been shipped in interstate commerce on or about May 15 and August 8, 1940, by the Clorox Chemical Co., from Jersey City, N. J., and charging that the product was an adulterated and misbranded fungicide, within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient, Sodium Hypochlorite, 5.25%, by wt., Inert Ingredients, 94.75%, by wt."

The product was alleged to be misbranded in that the statements, "Active Ingredient, Sodium Hypochlorite 5.25%, by wt., Inert Ingredients 94.75%, by wt.," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product contained less sodium hypochlorite and more inert ingredients than were stated on the label. The product was alleged to be misbranded further, in that the statements, "Disinfects * * * To prepare a disinfecting solution containing 100 parts per million Available Chlorine—Add 1 oz. Clorox for each 4 gals cold water; mix well. * * * One part Clorox thoroughly mixed with 10 parts cold water makes a sodium hypochlorite solution equal in disinfecting properties to Dakin's solution," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product would not make a disinfecting solution containing 100 parts per million of available chlorine, and it would not make a solution equal, in disinfecting properties, to Dakin's solution, when diluted as directed.

On September 26, 1941, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered to be destroyed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1811. Misbranding of Arnold Dorm-O-Spray. U. S. v. Garden Hose Spray Company, Inc. Plea of guilty. Fine, \$10. (I. & F. No. 2225. I. D. No. 1728.)

The label for this product bore unwarranted claims that it would be an effective spray against insects in the dormant stage, and that it would save the garden from insects and from disease, when used as directed on the label.

On September 19, 1941, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Garden Hose Spray Company, Inc., Cambridge, Mass., alleging shipment in interstate commerce, on or about July 8, 1940, from Boston, Mass., into the State of Florida, of a quantity of "Arnold Dorm-O-Spray," which was a misbranded insecticide and fungicide, within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded, in that the statements, "Dorm-O-Spray for Dormant Spraying For use in Garden Hose Insecticide Sprayers,"

borne on the individual cartons, and the statements, "Arnold Insecticide Cartridges Dorm-O-Spray * * * Save your garden from insects and disease," borne on the display cartons, were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not act as an effective spray against insects in the dormant stage, nor would it save the garden from insects and disease.

On October 7, 1941, a plea of guilty was entered and a fine of \$10 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

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